

Applicant: Katz, et al.
Serial No.: 09/747,538
12/19/2002

42. (new) Use of the method of claim 38 to detect gene deletions or insertions in CYP2D6 locus.

REMARKS

After entry of the amendment, claims 17, 18, and 38-42 are pending.

The new claims are fully supported in the application as filed. The subject matter of claim 38 is described, inter alia, at page 8, lines 3-25. The subject matter of claims 39 and 40 is described at page 8, lines 14-15. The subject matter of the remaining claims occurs throughout the application and applicants believe that the Examiner will immediately recognize this with a brief review of the prior Office Action.

The previously pending claims stood rejected in part or in whole over the disclosure of Johansson et al. Johansson et al. discloses the use of long PCR reactions to detect insertions or deletions of DNA in the CYP2D6 locus. Nothing in Johansson et al. teaches or reasonably suggests the claimed invention.

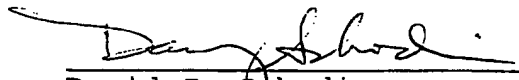
The method of Claim 17 requires that four temperatures be used in the amplification reaction (*See*, step (b)(i-iv)). Johansson et al. does not describe the amplification reactions used in any detail, and in no place suggests that a four temperature amplification reaction is used. Jou et al. suffers from the same deficiency. Nothing in the other art of record cures this deficiency of Johansson et al. Accordingly, the obviousness rejection of claims 17 and 18 should be withdrawn.

The method of claim 38 requires a comparison of the first signal to the second signal. The second signal is generated from the amplification products of a "standard nucleic acid amplification product". Nothing in Johansson et al. describes comparison of a target signal to a standard signal. Thus, Johansson et al. fails to teach or suggest the claimed invention. Nothing in the art of record cures this failing of Johansson et al. to teach or suggest the invention of claim 38. Accordingly, the outstanding rejections should not be applied to claims 38-42.

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Applicants respectfully submit that the present application is in condition for allowance. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of the present invention, the Examiner is invited to contact applicants' undersigned representative.

Respectfully submitted,
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